

**APPROVED AS AMENDED BY BOARD OF SELECTMEN**

**TOWN OF DARIEN  
BOARD OF SELECTMEN  
REGULAR MEETING  
June 20, 2005**

**ATTENDANCE:** Evonne M. Klein, First Selectwoman; Joseph Miceli;  
Linda Santarella; Robert Harrel, Jr.

**STAFF:** John Crary, Administrative Officer

**OTHERS:** Wayne Fox, Town Counsel; Peter Hovell; Tom Volpe

**CALL TO ORDER**

The First Selectwoman called the Regular Meeting to order at 7:30 p.m.

**1<sup>st</sup> SELECTWOMAN'S REPORT**

The First Selectwoman reported that there was a new chandelier in the lobby and thanked Gene Coyle for donating it to the Town.

Ms. Klein reported that the Darien Sports Shop was sponsoring two community band concerts to celebrate their 60<sup>th</sup> Anniversary. The first concert will be on July 13<sup>th</sup> at Weed Beach.

Ms. Klein reported that the Board was aware of the collapse of a 35-foot section of the stone retaining wall on Pear Tree Point Road just south of the Ring's End Road Bridge last Saturday. She stated that she had declared an emergency and gave the detail of the work to be done to repair it. She stated that the cost would be \$16,000 and noted that working around the tide cycle would make the repair more difficult and costly.

Ms. Klein reported that CL&P representatives met today regarding the Glenbrook cable project and are making progress and she hoped to have something by August.

Ms. Klein reported that the Town had received two grants: \$5,000 from First County Bank and \$25,000 from Wachovia Bank.

Ms. Klein reported that there will be a meeting on June 29<sup>th</sup> with the Brookside Road neighbors and CL&P at 7:00 p.m. at Town Hall.

Ms. Klein reviewed the upcoming meeting agenda items and added that there will be discussion on the Health District in August and a number of Executive Session items to follow up on personnel and contract negotiations. The upcoming meetings dates are 7/5, 7/18, 8/1 and 8/15.

## **ADMINISTRATIVE OFFICER'S REPORT**

Mr. Crary reported he received a call from CL&P that in the next two weeks they will be in the process of installing new telephone poles and pruning overhanging trees on the Boston Post Road, Brookside Road and Old Kings Highway

Mr. Crary reported that a letter was sent from the Connecticut Agriculture Experimental Station to CT municipalities asking if there were any ponds or lakes that they would like to be studied. He stated that the Town proposed Tilly Pond and Cherry Hill and they selected Tilly Pond. He reported that they will survey the entire pond, identify aquatic plants, water test for clarity, ph, and then track it over time to see if there were any changes. They will begin the study in July.

## **NEW BUSINESS**

**\*\* MS. SANTARELLA MOVED TO AMEND THE AGENDA AND TO HEAR ITEM (E) AT THIS TIME.**

**\*\* DR. MICELI SECONDED**

**\*\* MOTION PASSED UNANIMOUSLY.**

### **e) Discuss and Take Action on Discuss and Take Action on permitting volunteers from the fire companies and Post 53 to participate in the Town's health insurance plan**

Ms. Klein called attention to the email from Dr. Joseph Fields on the volunteer health insurance survey. She asked if there were any questions from the Board for Wayne Fox, Town Counsel, to answer. Mr. Harrel stated that he still had concerns that the volunteers were not employees of the Town and there was no ability for the Town to question their health status in any way. He also asked what would happen if they were unable to pay. Mr. Crary replied that if the volunteer elected to take medical coverage, they would pay for it one month in advance and if they did not pay, they would be taken off. Ms. Santarella asked how many municipalities have done this and Mr. Crary replied that either Weston or Greenwich has adopted it. Mr. Harrel asked if the volunteer stopped volunteering would he be entitled to COBRA and Mr. Crary replied that he did not know. Mr. Harrel commented that this had a ways to go before he was ready to vote. He asked if Orange, Connecticut had considered this. Ms. Santarella stated that it was difficult to take action when the Board needed additional questions to be answered. She stated that she did not have a position at this time. Ms. Klein asked that Mr. Crary get more information so that at the next meeting this can be moved forward. Mr. Peter Hovell asked if the number included drug coverage and Mr. Crary replied that he did not know. Mr. Tom Volpe asked that it be looked into more carefully and conservatively. Ms. Flora Smith questioned who was pushing for this and felt that it could hurt the Town in terms of protecting the tax payer. The First Selectwoman reported that it was passed by the State Legislature in 2003 and the volunteer emergency workers are supporting it. Ms. Santarella asked what other municipalities are doing this.

Ms. Klein stated that the volunteers are concerned that there is no Board support. Ms. Santarella stated that she hoped that the press would portray that the Board is discussing this and that they do care about their Fire Department volunteers. Ms. Klein stated that the goal is to keep the volunteers in the Town and keep the response time down. She stated that she could invite the Fire Chiefs to a meeting as advocates of their people. Mr. Crary stated that he would obtain more information on COBRA, drug coverage inclusion, terms of service, contact Greenwich, Weston and Orange, and bring the information back to the Board.

**a) Discuss and Take Action on a gift from Darien Little League for a scorer's hut and refer to the RTM**

Ms. Santarella stated that she did not have a problem with this going on the Challenger field however, the Town's staff cleans up the garbage and the field and she felt that the people that used the field should do a better job of cleaning the park. She added that, in the future, a gift should include refuse pickup and cleanup.

**\*\* MS. SANTARELLA MOVED TO ACCEPT THE GIFT FROM THE DARIEN LITTLE LEAGUE TO BUILD A SCORER'S HUT FOR THE CHALLENGER FIELD AT MCGUANE AND REFER IT TO THE RTM.**  
**\*\* DR. MICELI SECONDED**  
**\*\* MOTION PASSED UNANIMOUSLY.**

**b) Discuss and Take Action on recommendation of the Darien Sewer Commission for an appropriation to fund the Brushy Hill Road and Andrews Drive Sewer Extension**

Mr. Crary reported that at the public hearing there was an overwhelming support by the residents of Brushy Hill road and Andrews Drive for the sewers.

**\*\* DR. MICELI MOVED TO APPROVE THE RECOMMENDATION OF THE DARIEN SEWER COMMISSION FOR AN APPROPRIATION TO FUND THE BRUSHY HILL ROAD AND ANDREWS DRIVE SEWER EXTENSION.**  
**\*\* MR. HARREL SECONDED**  
**\*\* MOTION PASSED UNANIMOUSLY.**

**c) Discuss and Take Action on a letter from the Sound Alliance in opposition to Broadwater proposed LNG terminal**

Ms. Klein reported that the Advisory Commission on Coastal Waters felt it was too early to vote on this. Mr. Harrel requested that the Advisory Commission continue to monitor this and send the Board any new information.

**d) Discuss and Take Action on a recommendation from Chris Camuti, Parking Ranger, for modifications to the Town's parking plan**

Mr. Harrel stated that he was troubled by the letter coming from a Parking Ranger without the backing of his superiors. He stated that the request was good but he would like to hear from the Department Heads. Dr. Miceli stated that it made sense to free up parking spaces and he would like to hear more from the businesses. Ms. Santarella stated that she had no problem with Tokeneke Road and noted that Bob Steeger should have been apprised of this. The First Selectwoman stated that she would pass this on to Tom Geary and let the Darien Downtown Revitalization people talk to the businesses.

**f) Discuss report from Kate Clarke Buch, Finance Director, on status of 2004/05 Budget**

Mr. Crary reported that there were two weeks remaining in the fiscal year and he had asked Kate Buch to do a printout of the revenue and expenses to date. He stated that Revenue was up from what was originally estimated and it looked like they would end up \$200,000 to the positive on the expense side. Mr. Peter Hovell stated that expenses were going to come in very close. The Board noted that the wall collapse was an expense that was not anticipated.

**g) Transfers:**

**Police Department**

Staffing vacancies and training requirements continue to impact the Overtime account. This account will be insufficient to meet the expected expenditures through the balance of the fiscal year.

The Full-Time Wages account is presently showing a surplus due to vacancies and it is anticipated that this account will conclude with a surplus.

We presently have two vacancies and one officer remains on military leave. Two officers will be completing field training this week with a third to complete field training in approximately 60 days; these additions should reduce the stress on the Overtime account.

The requested transfer will allow adequate funding for the remainder of the fiscal year – there are two overtime pay periods remaining.

**RESOLVED:**

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:			To:		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
10302233 81001	Patrol Wages-FT	25,000	10302233 81004	Patrol Wages-OT	25,000
TOTAL		25,000	TOTAL		25,000

- \*\* DR. MICELI MOVED TO APPROVE THE TRANSFER OF APPROPRIATIONS FOR REFERRAL TO THE BOARD OF FINANCE IN THE AMOUNT OF \$25,000 FROM ACCOUNT # 10302233 81001, PATROL WAGES-FT, TO ACCOUNT NO. 1030223381004, PATROL WAGES-OT.**
- \*\* MR. HARREL SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

### **Department of Public Works**

On May 23, 2005, bids were opened for replacing the roof over the small gym at the Town Hall. Four bids were received. The low bid, submitted by Gottfreid Roofing came in at \$28,495. Unfortunately the budget for the project is \$20,000 leaving us \$8,495 short.

We have reviewed the bid submittal with the Contractor and are comfortable that the bid as submitted represents a fair price for the work. Therefore, I am requesting the following transfer so that the project can go forward.

### **RESOLVED:**

That the following transfer of appropriations is approved for referral to the Board of Finance:

<b>From:</b>			<b>To:</b>		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
30442144-902913	Long Neck Point Road Recon.	\$8495	30447014-904807	TH Replace Roof Small Gym	\$8495
	<b>TOTAL</b>	<b>\$8495</b>		<b>TOTAL</b>	<b>\$8495</b>

Mr. Crary reported that the bids for the roof in the gym came in higher than originally estimated and he was requesting the transfer of funds from the Long Neck Point Road Reconstruction account.

- \*\* DR. MICELI MOVED TO APPROVE THE TRANSFER OF APPROPRIATIONS FOR REFERRAL TO THE BOARD OF FINANCE IN THE AMOUNT OF \$8,495 FROM ACCOUNT # 30442144-902913, LONG NECK POINT ROAD RECON., TO ACCOUNT NO. 30447014-904807, REPLACE ROOF IN SMALL GYM.**
- \*\* MS. SANTARELLA SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

### **Board of Selectmen**

The Board of Selectmen approved at their meeting on June 6 a transfer of \$111,500 to cover most of last winter's snow removal costs. It has been determined that this transfer should be rescinded and a new transfer submitted that recognizes the revenue to be received from our FEMA application and also incorporates all of the remaining costs of last winter. The new transfer is as follows:

This past winter wreaked havoc with winter maintenance budgets statewide. The Department responded to snow and ice removal situations 17 times involving overtime pay. Snowfall totaled 53 inches, more than twice the average of 23 inches. Extended hours of operation dealing with snow and ice translate to heavy overtime expenses, more fuel consumed, additional equipment repairs and more use of sand and salt. The single most significant storm occurred on January 22-24. The "Blizzard of 05" was later declared eligible for federal funding. The Town will receive approximately \$70K, \$42k of which offsets the overruns in the accounts listed.

**RESOLVED:**

That the following transfer of appropriations is approved for referral to the Board of Finance:

<b>From:</b>			<b>To:</b>		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
10704000-86600	Contingency	\$73,000	10402144-83021	Ice Control Materials	\$21,000
10401011-43498	FEMA Grant	\$29,500	10402144-81004	Overtime	\$61,500
24848011-43498	FEMA Grant	\$18,900	10402144-82041	Facility Rep & Maint	\$20,000
24848011-82007	Prof Services	\$7,000	24848014-81004	Overtime	\$8,500
24848011-82700	Overhead	\$45,839	24848014-82014	Snow Removal	\$63,239
	<b>TOTAL</b>	<b>\$174,239</b>		<b>TOTAL</b>	<b>\$174,239</b>

Mr. Crary reported that at their meeting of June 6, the Board of Selectmen approved a transfer of \$111,500 to cover most of last winter's snow removal costs. It has now been determined that this transfer should be rescinded and a new transfer submitted that recognizes the \$72,000 revenue received from the FEMA application.

**\*\* MS. SANTARELLA MOVED TO RESCIND THE TRANSFER IN THE AMOUNT OF \$111,500 FOR SNOW REMOVAL COSTS.**

**\*\* DR. MICELI SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**\*\* MR. HARREL MOVED TO APPROVE THE TRANSFER OF APPROPRIATIONS FOR REFERRAL TO THE BOARD OF FINANCE IN THE AMOUNT OF \$174,239 FOR SNOW REMOVAL COSTS.**

**\*\* DR. MICELI SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**Darien Fire Department**

The Darien Fire Department has the opportunity to replace its pagers at a favorable price. This transfer is required to allow the purchase.

**RESOLVED:**

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:			To:		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
10303415-82044	Radio Maint	1,482	10303415-84005	Radio Systems Equip	1,482
TOTAL		1,482	TOTAL		1,482

- \*\* MR. HARREL MOVED TO APPROVE THE TRANSFER OF APPROPRIATIONS FOR REFERRAL TO THE BOARD OF FINANCE IN THE AMOUNT OF \$1,482 FROM ACCOUNT NO. 10303415-82044, RADIO MAINT., TO ACCOUNT NO. 10303415-84005, RADIO SYSTEMS EQUIPMENT.**
- \*\* DR. MICELI SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

**Labor Counsel**

Costs for labor counsel have exceeded the budget. This is due to unanticipated expenses related to grievances. There are funds available in the Human Resources salary account due to the time when the position of director was vacant.

**RESOLVED:**

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:			To:		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
10102031-81001	HR Full Time	9,000	10105101-82007	Labor Counsel	9,000
TOTAL		9,000	TOTAL		9,000

- \*\* DR. MICELI MOVED TO APPROVE THE TRANSFER OF APPROPRIATIONS FOR REFERRAL TO THE BOARD OF FINANCE IN THE AMOUNT OF \$9,000 FROM ACCOUNT NO. 10102031-81001, HR FULL TIME., TO ACCOUNT NO. 10105101-82007, LABOR COUNSEL**
- \*\* MS. SANTARELLA SECONDED.**
- \*\* MOTION PASSED, THREE IN FAVOR, ONE ABSTENTION (MR. HARREL).**

## Police Department

The Training Services line item is the primary account used to fund the bulk of police training. The account was funded at an amount below the requested level and is now insufficient to carry us through the balance of the fiscal year.

Unanticipated staff vacancies have left the Patrol-Full Time Wages account with a surplus. The requested transfer will be used to fund Training Services for the balance of the fiscal year.

## RESOLVED:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:			To:		
Acct. No.	Account	Amount	Acct. No.	Account	Amount
10302233 81001	Patrol Wages-FT	2,000	10302273 82003	Training-Trg Services	2,000
TOTAL		2,000	TOTAL		2,000

**\*\* MS. SANTARELLA MOVED TO APPROVE THE TRANSFER OF APPROPRIATIONS FOR REFERRAL TO THE BOARD OF FINANCE IN THE AMOUNT OF \$2,000 FROM ACCOUNT NO. 1030223381001, PATROL WAGES-FT, TO ACCOUNT NO. 1030227382003, TRAINING-TRG. SERVICES.**

**\*\* DR. MICELI SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

## PUBLIC COMMENT

Ms. Flora Smith asked why the sprinklers at Cherry Lawn Park were being replaced because they were on and functioning beautifully today. Mr. Crary replied that they were twenty years old and that work that will be done on the field was likely to damage the heads and the lines given their twenty year life.

Ms. Smith commented that during the budget process the issue of fuel came up and it was said that fuel would be looked into being locked up in July. Mr. Crary replied that fuel oil is bought through the school.

Ms. Smith asked why the Board of Selectmen approved a special hut but it never made it to the RTM. Ms. Klein replied that this item was on the agenda this evening and it was the first time the Board had seen it. It was a revised proposal for both a shed and scorer's box. Ms. Santarella stated that it did not have to go to the RTM because the Board approved it tonight.

Dr. Miceli asked that now that the Procaccini negotiations are over could the information that was used to make the decision be made available to the public. Ms. Klein stated that it was in Executive Session but should would look at the documents. Dr. Miceli stated that he wanted the public to know that the Board of Selectmen did not screw up the deal because he was being questioned. He stated that he was asking her for the best interest of the Town.



## **APPOINTMENTS/REAPPOINTMENTS**

Consider and take action on the following **reappointments**:

- a) **Commission on Aging—Patsy Fogarty (D) for the term beginning 4/1/05 and expiring 3/31/08.**

**\*\* MR. HARREL MOVED TO APPROVE THE REAPPOINTMENT OF PATSY FOGARTY (D) TO THE COMMISSION ON AGING FOR THE TERM BEGINNING 4/1/05 AND EXPIRING 3/31/08.**

**\*\* DR. MICELI SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

- b) **Advisory Commission on Coastal Waters—Frank Kemp (D) and Henry Strauss (D) for terms beginning 2/16/05 and expiring 2/15/07.**

**\*\* MR. HARREL MOVED TO APPROVE THE REAPPOINTMENT OF FRANK KEMP (D) AND HENRY STRAUSS (D) TO THE ADVISORY COMMISSION ON COASTAL WATERS FOR THE TERM BEGINNING 2/16/05 AND EXPIRING 2/15/07.**

**\*\* DR. MICELI SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

- c) **Police Commission—Paul Johnson (D) for the term beginning 7/1/05 and expiring 6/30/08.**

**\*\* MR. HARREL MOVED TO APPROVE THE REAPPOINTMENT OF PAUL JOHNSON (D) TO THE POLICE COMMISSION FOR THE TERM BEGINNING 7/1/05 AND EXPIRING 6/30/08.**

**\*\* DR. MICELI SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

- d) **Zoning Board of Appeals (Alternate)—Peter Thoren (D) for the term beginning 7/1/05 and expiring 6/30/08.**

**\*\* MS. SANTARELLA MOVED TO REMOVE ITEM (D) FOR CONSIDERATION UNTIL THE NEXT MEETING.**

**\*\* DR. MICELI SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

## **FORTHCOMING MEETINGS**

- July 5, 2005 Board of Selectmen—Meeting with department heads at 4:30 p.m.
- July 5, 2005 Board of Selectmen—Regular meeting following department heads meeting at 4:30 p.m.

- July 12, 2005 Planning & Zoning Commission— General meeting at 8:00 p.m.
- July 18, 2005 Board of Selectmen—Regular meeting at 7:30 p.m.
- July 19, 2005 Board of Finance—Regular meeting at 7:45 p.m.
- July 20, 2005 Parks and Recreation meeting at 7:30 p.m.

**OTHER BUSINESS** (A two-thirds majority vote is required to add an item to the agenda)

The First Selectwoman asked that an item be added to the agenda to go into Executive Session to discuss property acquisition.

**\*\* MS. SANTARELLA MOVED TO ADD AN ITEM TO THE AGENDA AND TO GO INTO EXECUTIVE SESSION AT 8:45 P.M. TO DISCUSS PROPERTY ACQUISITION.**

**\*\* MR. HARREL SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

Respectfully Submitted,

Donna DeVito  
Telesco Secretarial Services